

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NORTH ATLANTIC OPERATING
COMPANY, INC., *et. al.*,

Plaintiffs,

Case No. 17-10964

Honorable Linda V. Parker

v.

Magistrate Judge Anthony P. Patti

EBAY SELLER DEALZ_F0R_YOU,
et al.,

Defendants.

/

**ORDER GRANTING PLAINTIFFS' MOTION FOR DEFAULT
JUDGMENT AND RELATED RELIEF (ECF NO. 201)**

This matter comes before the Court on Plaintiffs North Atlantic Operating Company, Inc.'s and National Tobacco Company, L.P.'s (together, "North Atlantic") Motion for Default Judgment and Related Relief, pursuant to Federal Rules of Civil Procedure 55 and 65, and Local Rule 55.2. This Court having reviewed the papers and proceedings in support of the Motion, including North Atlantic's Brief, the Declaration of John Hood, and the Declaration of Lyndsay S. Ott (with Exhibits), and this Court being fully satisfied that Defendants were effectively served with copies of the Complaint, ECF No. 1, and other case-initiating documents, and all other papers and proceedings in this action; and good cause being shown:

IT IS HEREBY ORDERED, that:

A. North Atlantic's Motion for Default Judgment and Related Relief is **GRANTED**;

B. Default Judgment, pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Rule 55.2, is hereby entered against the following groups of "Non-Responding Defendants" for each and all of the Courts alleged in North Atlantic's Complaint in the amount of **\$200,000**, jointly and severally per group of Non-Responding Defendants ((1)-(25), below), for a total statutory damages award of **\$1,800,000** under the Lanham Act (15 U.S.C. § 1117(c)) against the following "Non-Responding Defendants":

1. Defendant eBay Seller dealz_f0r_you;
2. Defendant eBay Seller shypanmar;
3. Defendant eBay Seller ste-b7uvarr;
4. Defendants Ray Farooqui and eBay Seller rafarooqu0;
5. Defendants Steve Cisyk and eBay Seller sportstaz0937;
6. Defendant eBay Seller swaggypoo544-7;
7. Defendants James Eberhard and eBay Seller terrrrrapinstation;
8. Defendants Michael Harrison and eBay Seller mikeybabsstore-1;

9. Defendants Nathan Bartlett and eBay Seller mrnofun77;
10. Defendants Craig Harvey and eBay Seller peglegcraig;
11. Defendants philly phill world inc. and eBay Seller phillyphillworld;
12. Defendants Ross Livaccari, Deb's Beauty Supply, and eBay Seller mini.hair.care;
13. Defendants HIGHLEAF and eBay Seller 7l_hilea;
14. Defendants Eddy Garza and eBay Seller bladin4life123;
15. Defendants Khurram Ilyas and eBay Seller houstrad;
16. Defendant Amazon Seller PTL Sales;
17. Defendant Amazon Seller Rolling Bargains Inc.;
18. Defendant Amazon Seller SZ POWER;
19. Defendant Amazon Seller The Virtuous Company;
20. Defendant Amazon Seller Time.4.Toys;
21. Defendants Nichole Roundtree; Yaqun Sun, Chinadirect International Trading CO, Amazon Seller NicholeRoundtree, and Amazon Seller CoCo-Code;
22. Defendants Jack Krenicki, Andrew Krenicki Sr., Gifts 2 Shop, eBay Seller giftstoyourdoor, eBay Seller cardsfrfun, Amazon Seller gifts2shop, Bonanza Seller giftstoshop, and Bonanza Seller Backstrecords;

23. Defendants Qadir Jangda and eBay Seller googly52;

24. Defendants A.H, RouhifMossili, eBay Seller ah19612015,
Amazon Seller R.M Store, AM.H/Smoking Accessories and
Amazon Seller AM.H; and

25. Defendants Sam Chawla, and eBay Seller schawla5.

C. In addition, North Atlantic is awarded its reasonably attorneys' fees, costs, and investigative fees, in an amount to be determined via affidavit of North Atlantic's counsel, pursuant to the Lanham Act (15 U.S.C. § 1117) and Copyright Act (17 U.S.C. § 505).

D. The Non-Responding Defendants, and their officers, agents, servants, employees, and attorneys, and all those in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, are forever enjoined and restrained from, directly or indirectly, anywhere in the world:

1. Manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or otherwise distributing or disposing of, in any manner, any counterfeit or infringing ZIG-ZAG® brand cigarette paper products, including but not limited to ZIG-ZAG® 1 ¼ Size French Orange

("ZIG-ZAG® Orange"), or any cigarette paper products bearing:

- a. Infringing or counterfeit versions of the ZIG-ZAG® Trademarks¹, the NAOC® Trademarks², the NAOC© Copyright³, and/or the ZIGZAG® Orange Trade Dress⁴ which appear alone or in combination on all cartons and booklets of ZIG-ZAG® Orange cigarette paper products distributed by North Atlantic in the United States; and/or
- b. The false statement that such products are "Distributed by North Atlantic Operating Company, Inc." or otherwise under the control or supervision of North Atlantic, when they are not.

¹ Defined as the marks of U.S. Registration Nos. 610,530 (ZIG-ZAG (stylized)); 1,127,946 (ZIG-ZAG (Word Mark)); 2,169,540 (Smoking Man Design (Circle Border)); 2,169,549 (Smoking Man Design (No Border)).

² Defined as the marks of U.S. Registration Nos. 2,664,694 and 2,664,695 (NORTH ATLANTIC OPERATING COMPANY INC. and Gear Design); and 2,610,473 and 2,635,446 (NORTH ATLANTIC OPERATING COMPANY (Word Mark)).

³ Defined as the work of the federal copyright registration for the visual material/computer graphic titled "North Atlantic Operating Company, Inc." (VAu 464-855).

⁴ Defined as the distinctive design elements comprising the overall look and feel of ZIG-ZAG® Orange packaging (booklets and cartons), including at least the following: (1) ZIG-ZAG® and NAOC® Trademarks, (2) NAOC© Copyright, (3) gold-fill lettering and design elements, (4) French phrases such as "Qualite Superieure" and "Braunstein Freres France," and (5) the express statements that the products are "Made in France" or "Imported French", or "Distributed by North Atlantic Operating Company, Inc."

2. Manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or otherwise distributing or disposing of, in any manner, any purported North Atlantic products that are not actually produced, imported, or distributed under North Atlantic's control or supervision, or approved for sale in the United States by North Atlantic in connection with the ZIGZAG ® Trademarks, the NAOC® Trademarks, the NAOC© copyright, or the ZIG-ZAG® Orange Trade Dress;
3. Committing any acts calculated to cause purchasers to believe that counterfeit or infringing ZIG-ZAG® cigarette paper products, including ZIG-ZAG® Orange, originate with North Atlantic, when they do not;
4. In any way infringing or damaging the ZIG-ZAG® or NAOC® Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Orange Trade Dress, or the value or goodwill associated therewith;
5. Attempting, causing, or assisting in any of the above-described acts, including, but not limited to, enabling others in the above-described acts or passing on information to others to allow them to do so;
6. Destroying, altering, deleting, or otherwise disposing of any documents, records, or electronically stored information concerning the

manufacturing, making, buying, purchasing, importing, shipping, delivering, advertising, marketing, promoting, offering to sell, selling, or other distribution or disposal of any product that has been, or is intended to be, sold in packaging containing, displaying, or bearing the ZIG-ZAG® or NAOC® Trademarks, the NAOC© Copyright, or the ZIGZAG ® Orange Trade Dress; and/or

7. Forming or causing to be formed any corporation or other entity that engages in the above-described acts.

E. **IT IS FURTHER ORDERED**, that violation of any or all of the foregoing provisions shall be punishable by contempt of court, and such other, further relief this Court deems just and proper.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: April 17, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 17, 2019, by electronic and/or U.S. First Class mail.

s/R. Loury
Case Manager